

87

**Notice of Allowability**

Application No.

09/453,934

Applicant(s)

MOTOYAMA ET AL.

Examiner

Nabil M. El-Hady

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/20/2004.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 4/13/05, 7/26/04, 4/23/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

N. El-Hady

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. The application has been amended as follows:

The paragraph under "Cross-Reference to Related Application" is amended to read:

-- The present application is related to the following U.S applications and patents:  
Application 09/440,692 filed November 16, 1999; application 09/440,647 filed November 16, 1999, now U.S. Patent No. 6,662,225 issued December 9, 2003; application 09/440,646 filed November 16, 1999; application 09/440,693 filed November 16, 1999; application 09/440,645 filed November 16, 1999; application 09/408,443 filed September 29, 1999, now U.S. Patent No. 6,631,247 issued October 7, 2003; application 09/407,769 filed September 29, 1999, now U.S. Patent No. 6,581,092 issued June 17, 2003; application 09/393,677 filed September 10, 1999; application 09/311,148 filed May 13, 1999; application 09/192,583 filed November 17, 1998; application 09/190,460 filed November 13, 1998, now U.S. Patent No. 6,208,958 issued March 27, 2001; application 08/883,492 filed June 26, 1997; application 09/108,705 filed July 1, 1998; application 09/107,989 filed July 1, 1998, now abandoned; application 08/997,482 filed December 23, 1997, now U.S. Patent No. 6,085,196 issued July 4, 2000; application 08/997,705 filed December 23, 1997, now U.S. Patent No. 6,279,015 issued August 21, 2001; application 08/738,659 filed October 30, 1996, now U.S. Patent No. 6,889,263 issued May 3,

Art Unit: 2154

2005; application 08/738,461 filed October 30; application 09/457,669 filed December 9, 1999; application 08/916,009 filed August 21, 1997, now abandoned; application 07/902,462 filed June 19, 1992, now abandoned; application 07/549,278 filed July 6, 1990, now abandoned ; U.S. Patent Nos. 5,908,493, issued June 1, 1999; 5,887,216, issued March 23, 1999; 5,818,603, issued October 6, 1998; 5,819,110, issued October 6, 1998; 5,774,678, issued June 30, 1998; 5,649,120, issued July 15, 1997; 5,568,618, issued October 22, 1996; 5,544,289, issued August 6, 1996; 5,537,554, issued July 16, 1996; 5,412,779, issued May 2, 1995. This application is also related to the following co-pending applications: 09/453,935, 09/453,936, and 09/453,937, all filed May 17, 2000 on even date herewith. The contents of each of those applications and patents are incorporated herein by reference. --

3. Applicant's arguments, filed 10/20/2004, with respect to claims 1-20 have been fully considered and are persuasive. The final rejection of claims 1-20 has been withdrawn.

4. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the seven replacement sheet of drawings that include changes to Figs. 23A, 23B, 24A, 24B, 25A, 25B, and 25C and are referred to in a correspondence by the applicant filed on 1/28/2004, are not in the file. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

5. The following is an examiner's statement of reasons for allowance: None of the prior art in record taken alone or in combination discloses all the claimed limitations including a computer computer-implemented method for causing a computer to control a protocol used for data communication to a remote receiver, comprising providing plural communications protocols capable of transferring data; selecting a first protocol of the plural communications protocols to transfer data between the remote receiver and at least one of a device, an appliance, an application and an application unit; selecting a second protocol of the plural communications protocols to transfer data between the remote receiver and the at least one of a device, an appliance, an application and an application unit; collecting events at the at least one of a device, an appliance, an application and an application unit; performing a first attempt to transfer the collected events between the remote receiver and the at least one of a device, an appliance, an application and an application unit using the first protocol; and performing a second attempt to transfer the collected events between the remote receiver and the at least one of a device, an appliance, an application and an application unit using the second protocol after the first attempt.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nabil M. El-Hady whose telephone number is (571) 272-3963. The examiner can normally be reached on 9:00 - 4:00.

Art Unit: 2154

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 15, 2005



Nabil El-Hady, Ph.D, M.B.A.  
Primary Patent Examiner  
Art Unit 2154